

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

BRYAN K. MCCLELLAND

PLAINTIFF

V.

CIVIL ACTION NO. 2:16-cv-2083-MEF

NANCY A. BERRYHILL, Acting
Commissioner Social Security Administration¹

DEFENDANT

FINAL JUDGMENT

This cause is before the Court on the Plaintiff's complaint for judicial review of an unfavorable final decision of the Commissioner of the Social Security Administration denying his claim for disability benefits. The parties have consented to entry of final judgment by the United States Magistrate Judge under the provisions of 28 U.S.C. § 636(c). The Court, having reviewed the administrative record, the briefs of the parties, the applicable law, and oral argument having been waived, finds as follows, to-wit:

Consistent with the Court's ruling from the bench, the decision of the Commissioner of Social Security is reversed and remanded for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

All of the RFC assessments of record predate Plaintiff's amended onset date and the February 2014 MRI of his lumbar spine. Thus, on remand, the ALJ is directed to order a consultative orthopedic exam, complete with an RFC assessment. In so doing, the ALJ should forward the consultant copies of Plaintiff's MRI report, x-rays, and all treatment notes regarding

¹ Nancy A. Berryhill is now the Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Nancy A. Berryhill should be substituted for Acting Commissioner Carolyn W. Colvin as the defendant in this suit. No further action needs to be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

his back pain. Further, the ALJ should order a gastrointestinal consultative exam to determine whether Plaintiff does in fact suffer from liver disease, and the affect, if any, it has on his ability to perform work-related activities.

IT IS SO ORDERED AND ADJUDGED on this the 31st day of March, 2017.

/s/ Mark E. Ford

HON. MARK E. FORD

UNITED STATES MAGISTRATE JUDGE